

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Stipulated Surrender of
License and Certificates:

KATHLEEN TRAINOR-YATES,
formerly KATHLEEN TRAINOR
479 Kevin Drive
Orange Park, Florida 32073

Registered Nurse License No. 278190
Nurse Practitioner Certificate No. 5414
Nurse Practitioner Furnishing Certificate No. 5414
Public Health Nurse Certificate No. 28881

Licensee and Certificates Holder

Case No. 2006-240

**STIPULATED SURRENDER OF
REGISTERED NURSING LICENSE
AND NURSE PRACTITIONER
CERTIFICATE AND NURSE
PRACTITIONER FURNISHING
CERTIFICATE, PURSUANT TO
BUSINESS & PROFESSIONS**

DECISION AND ORDER

The attached Stipulated Surrender is hereby adopted by the Board of Registered
Nursing of the Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 7, 2008.

It is so ORDERED August 7, 2008.



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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CERTIFICATE, PURSUANT TO
BUSINESS & PROFESSIONS CODE
SECTION 2751.**

28 Licensee and Certificates Holder.

29 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
30 the above-entitled caption that the following matters are true:

31 1. Ruth Ann Terry, M.P.N., R.N. is the Executive Officer of the Board of
32 Registered Nursing (hereinafter referred to as the "Executive Officer"). She requests this
33 voluntary stipulated surrender of Registered Nursing License and Nurse Practitioner Certificate
34 and Nurse Practitioner Furnishing Certificate solely in her official capacity and is represented by
35 Edmund G. Brown Jr., Attorney General of the State of California, by Robert Browning Miller,
36 Deputy Attorney General.

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2. Respondent Kathleen Trainor-Yates, formerly Kathleen Trainor, (hereinafter referred to solely as Kathleen Trainor-Yates) is representing herself in this matter and hereby affirms that she has the right to consult counsel before entering this Stipulation.

3. On or about May 31, 1977, the Board of Registered Nursing (“Board”) issued Registered Nurse License Number 278190 to Kathleen Trainor-Yates. The license expired on October 31, 2004.

4. On or about August 22, 1990, the Board issued Nurse Practitioner Certificate Number 5414 to Kathleen Trainor-Yates. The certificate expired on October 31, 2004.

5. On or about May 12, 1993, the Board issued Nurse Practitioner Furnishing Certificate Number 5414 to Kathleen Trainor-Yates. The certificate expired on October 31, 2004.

6. On or about August 29, 1979, the Board issued Public Health Nurse Certificate Number 28881 to Kathleen Trainor-Yates. The certificate expired on October 31, 2004.

JURISDICTION

7. This Voluntary Stipulated Surrender of Registered Nursing License, Nurse Practitioner Certificate and Nurse Practitioner Furnishing Certificate and Public Health Nurse Certificate entered by the parties pursuant to California Business & Professions Code section 2571 (Acceptance of surrender of license through stipulated surrender). Business & Professions Code section 2571 states:

(a) Notwithstanding any other law, the board may, in its discretion, accept the surrender of a license through a stipulated agreement in the absence of a pleading when the ability of a registered nurse to practice nursing safely is impaired due to mental or physical illness.

(b) This alternative proceeding shall apply only to cases that would be otherwise have been processed pursuant to Section 820.

(c) Until the time that the licensee signs the stipulated agreement for license surrender, he or she may elect to have the disciplinary process conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

1 (d) The stipulated agreement in this alternative proceeding shall specify that:

2 (1) The license surrender shall be public information and shall be considered a
3 disciplinary action.

4 (2) The licensee may petition the board for reinstatement after a period of not less than
5 one year after the effective date of the decision.

6 (3) Any reinstatement proceeding shall be conducted pursuant to Section 2760.1.
(entitled Petition for reinstatement or modification of penalty; Notice To Attorney
7 General; Hearing).

8 (4) Upon seeking reinstatement, it is the responsibility of the former licensee to submit
9 competent evidence of the ability to safely and competently practice as a registered nurse.

10 8. Business and Professions Code section 820 states:

11 Whenever it appears that any person holding a license, certificate or permit
12 under this division or under any initiative act referred to in this division may be
13 unable to practice his or her profession safely because the licentiate's ability to
14 practice is impaired due to mental illness, or physical illness affecting
15 competency, the licensing agency may order the licentiate to be examined by one
16 or more physicians and surgeons or psychologists designated by the agency. The
17 report of the examiners shall be made available to the licentiate and may be
18 received as direct evidence in proceedings conducted pursuant to Section 822.

14 AGREED UPON FINDINGS

15 9. On or about November 2, 2004, the United States Department of the Navy
16 (hereinafter "the Department"), notified the Board of an adverse privileging action taken by the
17 Department against Lieutenant Commander Trainor-Yates. Pursuant to the information supplied
18 by the Department to the National Practitioner Data Bank, a peer review panel found Kathleen
19 Trainor-Yates medically impaired as evidenced by her diagnosis of major depressive disorder
20 and undifferentiated somatoform disorder. The panel also found that Kathleen Trainor-Yates'
21 memory and fatigue problems severely impaired her ability to continue to practice as a pediatric
22 nurse practitioner. Based on these findings, Kathleen Trainor-Yates' clinical privileges were
23 revoked effective September 30, 2004, and her professional staff appointment was terminated.
24 Kathleen Trainor-Yates left naval service in May 2003.

25 10. On or about January 14, 2005, the Department sent documentation to the
26 Board, evidencing the following:

27 11. On or about September 22, 2002, a medical board was completed on
28 Kathleen Trainor-Yates with an addendum on October 7, 2002. The Physical Examination Board

1 diagnosed Kathleen Trainor-Yates with, among other things, major depressive disorder,
2 recurrent, severe, without psychotic features, and undifferentiated somatoform disorder (chronic
3 idiopathic fatigue and cognitive complaints without discoverable organic basis). These
4 diagnoses were deemed the most debilitating for Kathleen Trainor-Yates to complete her job.

5 12. As to Kathleen Trainor-Yates' diagnosis of major depressive episode, the
6 following symptoms were found to be present during the same 2 week period and represented a
7 change from previously functioning:

8 a. Depressed mood most of the day, nearly every day, as indicated by either
9 subjective report or observation made by others;

10 b. Markedly diminished interest or pleasure in all, or almost all, activities
11 most of the day, nearly every day;

12 c. Insomnia or hypersomnia nearly every day;

13 d. Psychomotor agitation or retardation nearly every day;

14 e. Fatigue or loss of energy nearly every day; and

15 f. Diminished ability to think or concentrate, or indecisiveness, nearly every
16 day.

17 13. As to Kathleen Trainor-Yates' diagnosis of somatoform disorders,
18 Kathleen Trainor-Yates was found to have experienced symptoms of disabling fatigue, migratory
19 joint pains, right-sided carotidynia, intermittent sore throat and myalgias, non-refreshing sleep,
20 and post-exertional malaise.

21 14. An investigation was conducted by the Department to determine if the
22 provision of patient care rendered by Kathleen Trainor-Yates after August 10, 2001, was within
23 the standard of care. The findings of a random review of 196 records pulled from August 10,
24 2001, to September 21, 2002, revealed no deleterious outcomes; however, many charting
25 deficiencies were noted.

26 15. Various military officers who either supervised and/or worked with
27 Kathleen Trainor-Yates made various statements during the Department's investigation.

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1 16. In reviewing the interviews and finding of the case, the medical and
2 psychiatric evaluations opinions were that Kathleen Trainor-Yates was unable to perform her
3 military duties as a pediatric nurse practitioner. Further psychiatric consensus was that Kathleen
4 Trainor-Yates will need continued psychiatric care to determine her capacity to function as a
5 medical professional in the future.

6 17. Kathleen Trainor-Yates' charting had three main areas of concern. The
7 first concern was the extreme brevity of subjective and objective data documentation of the
8 patient's visit. This was felt to be the result of either the lack of provider inquiry or provider
9 examination from Kathleen Trainor-Yates during the patient visit. Additionally, Kathleen
10 Trainor-Yates consistently lacked documentation in the plan. The second concern was the
11 frequent over-dosing of medications, mainly antibiotics, but also inclusive of Prednisone and
12 antihistamines. The third concern was the lack of teaching upon discharge for supportive care,
13 signs and symptoms to monitor and specifics to return to the clinic/emergency room.

14 18. On or about June 16, 2003, the Department summarily suspended
15 Kathleen Trainor-Yates' clinical privileges at Naval Hospital, Jacksonville, on the grounds that
16 Kathleen Trainor-Yates was medically discharged from the Navy, that medical and psychiatric
17 evaluations concluded Kathleen Trainor-Yates was unable to perform her duties as a pediatric
18 nurse practitioner, and that Kathleen Trainor-Yates admitted she lacked comfort seeing patients
19 due to her medical condition.

20 19. On or about September 29, 2003, a peer review panel hearing was held by
21 the Department. The peer review panel made the following findings:

22 a. Kathleen Trainor-Yates has a diagnosis of major depressive disorder that
23 is recurrent and severe as documented in her Medical Board dated September 25, 2002.

24 b. Kathleen Trainor-Yates also has a diagnosis of undifferentiated
25 somatoform disorder (chronic idiopathic fatigue and cognitive complaints) which limited her
26 ability to work full time and resulted in no patient contact since September 2002, as documented
27 in her Medical Board.

28 c. Kathleen Trainor-Yates' rebuttal of her Medical Board dated November

1 25, 2002, states she has memory and fatigue problems that severely impair her ability to practice
2 in the military *or civilian sector* (emphasis added) as a pediatric nurse practitioner.

3 d. A review of 196 medical charts showed significant trends of missing and
4 inappropriately brief documentation, treatment of asthma outside the standard of care, and
5 inappropriate medication dosages.

6 e. Kathleen Trainor-Yates had taken the PALS test and failed. Kathleen
7 Trainor-Yates refused remedial help, stating in her interview of May 12, 2003, that she was too
8 stressed to think and could not handle the new guidelines.

9 20. The peer review panel concluded that Kathleen Trainor-Yates was
10 medically impaired and were unanimous in their recommendation to revoke Kathleen Trainor-
11 Yates' clinical privileges as a pediatric nurse practitioner. Consideration was given to possible
12 suspension of Kathleen Trainor-Yates' privileges; however, Kathleen Trainor-Yates had shown
13 increasing impairment and documentation difficulties despite 100% chart review, preceptorship,
14 and medical treatment and it did not seem likely that Kathleen Trainor-Yates' skills would
15 improve enough for her to regain her clinical competence in the near future.

16 **ADVISEMENT AND WAIVERS**

17 21. Kathleen Trainor-Yates affirms she has carefully read, and understands the
18 Agreed Upon Findings. Kathleen Trainor-Yates has also carefully read, and understands the
19 effects of this Stipulated Surrender.

20 22. Kathleen Trainor-Yates is fully aware of her legal rights in this matter,
21 including the right to a hearing on the Agreed Upon Findings, stated above, as would be set forth
22 as allegations in an Accusation; the right to be represented by counsel at her own expense; the
23 right to confront and cross-examine the witnesses against her; the right to present evidence and to
24 testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of
25 witnesses and the production of documents; the right to reconsideration and court review of an
26 adverse decision; and all other rights accorded by the California Administrative Procedure Act
27 and other applicable laws.

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1 23. Kathleen Trainor-Yates voluntarily, knowingly, and intelligently waives
2 and gives up each and every right set forth above.

3 24. Kathleen Trainor-Yates understands and admits the Agreed Upon
4 Findings, stated above, if proven at a Hearing, constitute cause for imposing discipline on her
5 Registered Nursing License and Nurse Practitioner Certificate and Nurse Practitioner Furnishing
6 Certificate and Public Health Nurse Certificate.

7 25. For the purpose of resolving this matter without the expense and
8 uncertainty of further proceedings, Kathleen Trainor-Yates **agrees** that, at a hearing, the
9 Executive Officer could establish a factual basis for the Agreed Upon Findings, stated above, and
10 that Kathleen Trainor-Yates hereby freely gives up her right to contest those charges.

11 26. Kathleen Trainor-Yates agrees that her Registered Nursing License and
12 Nurse Practitioner Certificate and Nurse Practitioner Furnishing Certificate and Public Health
13 Nurse Certificate are voluntarily surrendered, as set forth in the Stipulated Surrender below.

14 **CIRCUMSTANCES IN MITIGATION**

15 27. Kathleen Trainor-Yates acknowledges her responsibility for the
16 circumstances and actions as described in the Agreed Upon Findings, stated above, and elects to
17 voluntarily surrender her Registered Nursing License and Nurse Practitioner Certificate and
18 Nurse Practitioner Furnishing Certificate and Public Health Nurse Certificate without the
19 necessity of any disciplinary action being instituted against her. Further, Kathleen Trainor-Yates
20 does so voluntarily and willingly agrees to surrender her Registered Nursing License Number
21 278190 and her Nurse Practitioner Certificate Number 5414 and her Nurse Practitioner
22 Furnishing Certificate Number 5414 and Public Health Nurse Certificate No. 28881.

23 **BUSINESS & PROFESSIONS CODE SECTION 2751**

24 28. Kathleen Trainor-Yates acknowledges the provisions of Business &
25 Professions Code section 2751, and that this Stipulated Surrender includes the following:

26 (a) The license surrender shall be public information and shall be considered a
27 disciplinary action.

28 (b) The licensee may petition the board for reinstatement after a period of not less than

1 one year after the effective date of the decision.

2 (c) Any reinstatement proceeding shall be conducted pursuant to Section 2760.1.

3 (Petition for reinstatement or modification of penalty; Notice To Attorney General;
4 Hearing).

5 (d) Upon seeking reinstatement, it is the responsibility of the former licensee to submit
6 competent evidence of the ability to safely and competently practice as a registered nurse.

7 **RESERVATION**

8 29. The admissions made by Kathleen Trainor-Yates herein are only for the
9 purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing
10 or other professional licensing agency are involved, and shall not be admissible in any other
11 criminal or civil proceeding.

12 **CONTINGENCY**

13 30. This stipulation shall be subject to approval by the Board of Registered
14 Nursing. Kathleen Trainor-Yates understands and agrees that the Board's staff and counsel for
15 the Executive Officer may communicate directly with the Board regarding this stipulation and
16 surrender, without notice to or participation by Kathleen Trainor-Yates. By signing the
17 stipulation, Kathleen Trainor-Yates understands and agrees that she may not withdraw her
18 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
19 it. If the Board fails to adopt this stipulated surrender as its Decision and Order, the Stipulated
20 Surrender shall be of no force or effect, except for this paragraph, and shall be inadmissible in
21 any legal action between the parties, and the Board shall not be disqualified from further action
22 by having considered this matter.

23 31. The parties understand and agree that facsimile copies of this Stipulated
24 Surrender, including facsimile signatures thereto, shall have the same force and effect as the
25 originals.

26 32. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Board of Registered Nursing may, without further notice or formal proceeding,
28 issue and enter the following Stipulated Surrender:

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1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of Registered Nursing License and
3 Nurse Practitioner Certificate and Nurse Practitioner Furnishing Certificate and Public Health
4 Nurse Certificate. I understand the stipulation surrendering my registered nursing license and
5 nurse practitioner certificate and nurse practitioner furnishing certificate and public health nurse
6 certificate, and the effect it will have on any future application for licensure or petition for
7 reinstatement. I enter into this Stipulated Surrender voluntarily, knowingly, and intelligently, and
8 agree to be bound by the Decision and Order of the Board of Registered Nursing.

9 DATED: 5/15/08

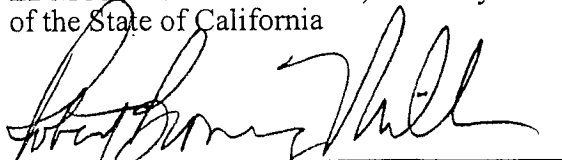
10 
11 KATHLEEN TRAINOR-YATES,
12 formerly known as KATHLEEN TRAINOR

13 ENDORSEMENT

14 The foregoing Stipulated Surrender is hereby respectfully submitted for
15 consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

16 DATED: May 16, 2008

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18
19 EDMUND G. BROWN JR., Attorney General
of the State of California

20 
21 ROBERT BROWNING MILLER
22 Deputy Attorney General
23 Attorneys for Complainant

24 This document was a complete
25 surprise. By not renewing my license
26 I thought it was evident that
27 I had no intention of working in
28 the field of nursing again. I am retired
and will not ever work in nursing in
Kathleen